

Remarks

The present paper is in response to the Office Action mailed in the above-referenced case on March 05, 2003, made final.

In the action claims 1-11 and 13-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Horbal, (US 6,112,246), hereinafter Horbal, in view of Sandelman (US 6,160,477) hereinafter Sandelman. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horbal in view of Sandelman.

In response to the Examiner's rejections and statements, applicant argues that the art presented by the Examiner does not combine to provide a Prima Facie Section 103(a) case against the standing claims. Applicant's arguments below patentably distinguish applicant's claimed invention over the prior art of Horbal and Sandelman.

Regarding applicant's independent claims, the Examiner states in the Office Action, (bottom of page 2), that Horbal teaches a system memory for storing the step sequence received from the remote server. On page 3 of the Office Action, (2nd paragraph) the Examiner states that Horbal does not disclose a memory for receiving programs and data.

Applicant argues that the micro-servers of Horbal, in fact, do not comprise a system memory for storing the step sequence received from the remote server as claimed in applicant's invention. Applicant argues that Sandelman also fails to disclose a system memory for storing a step sequence received from a remote server.

In the previous Response filed applicant argued that Horbal may initiate some function of a connected appliance, such as changing a thermostat setting, as in Fig. 3 of Horbal and the accompanying text in column 3 lines 25 through 35. The key here is that the device function is stored locally, at the appliance via the embedded OEM software, and no re-definition of what the device does can be made remotely.

In the "Response to Arguments" portion of the Office Letter the Examiner states that Horbal can download information from various device servers for usage by the clients; see col. 17, lines 25-41, and access by the microservers to the respective information related to the device and found on the device's server; see col. 15, line 2, col. 17, line 14. The Examiner states Horbal therefore provides the system with the ability to access the device's manufacturer's site for updates, and additional information related to the device. The Examiner states that limitations related to this feature are met by Horbal.

Applicant argues that claim 1 specifically recites a control unit having a system memory for storing the step sequence received from the remote server. Horbal discloses an ability for a user, operating a computer, to download information from an OEM's web site for a microserver. Additionally, a second server may automatically download information for the microserver. Applicant points out that the microserver in Horbal is not receiving information directly from the remote server.

Additionally, applicant argues, the received information in Horbal (Col. 15-17) is limited to location and mapping configuration information, or downloading applets to that effect. Applicant argues that Horbal teaches that the connected client's workstation may change a thermostat setting. The microserver of Horbal does not have the ability to change the thermostat setting of device 300 in response to monitoring a sensor without initiation from the connected workstation. Applicant's claim 1 specifically claims that the microcontroller of the control unit generates outputs to operate the appliance according to the step sequence received. Applicant argues that the step sequence, as disclosed in applicant's specification, could be a broad program code to make sure the temperature is maintained between 50 and 60 degrees, for example. In applicant's invention the control unit, connected to the appliance, monitors and generates the commands to change the thermostat setting in order to stay within the parameters received from the remote server. Horbal and Sandelman fail to disclose the functional ability to change operation of an appliance via received information from a remote server at a connected control unit.

The Examiner states that the microcontroller of Horbal generates outputs to operate the appliance according to the step sequence received. Firstly, applicant points out that the device 300 of Horbal includes OEM embedded software as seen in Fig. 3. The microserver of Horbal communicates with the OEM software of the device 300. Applicant argues that the OEM embedded software in the hardware of device 300 is proprietary to the device 300, and not part of microserver 302. Applicant argues that any microserver enabled device as disclosed in Horbal must have OEM embedded software part of the device to respond to the software of the microserver 302.

Applicant provides a control unit modularly installed and married to existing home- automation systems and single home-appliances without requiring a system of interconnecting wiring or expensive computer control equipment, as in Horbal. Such a system would offer any user complete control over a variety of systems and appliances from a home PC or a remote PC using a single interface while eliminating or reducing expenses related to “hardwired implementations” and proprietary equipment.

Applicant's claimed control unit includes all of the functionality required to control and monitor an appliance. The appliance does not require special OEM embedded software in order to function. In applicant's invention the control unit can be modified to work with a client's existing appliances. In applicant's invention all of the functionality is in the control unit itself. [Applicant acknowledges that there may be sensors on the appliances, but all of the control intelligence resides in the control unit, or remote server.] Horbal and Sandelman fail to teach or suggest such a unit.


Applicant believes claims 1, 5, 9, 14, 17, and 24 are patentable as argued above. Claims 2-4, 6-8, 10-13, 15-16, 18-23 and 25 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims as amended are patentable to the Applicant over the art of record, the Applicant respectfully requests reconsideration and that the case be passed quickly to issue. If there are any extensions of time required beyond any extension specifically petitioned and paid with this response, such extensions

are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully,
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